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BY ECF

Hon. Philip M. Halpern
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Smolen v. Nevins, 17 Civ 7494 (PMH)

Dear Judge Halpern:

This Office represents defendants in the above-referenced matter. We write to respectfully request an order staying the deadline to file a joint pre-trial order and compelling pro se plaintiff Samuel Smolen to provide his portion of the joint pre-trial order to defendants by March 1, 2021. We also ask that the Court instruct plaintiff that his failure to comply will result in a dismissal of his case.

Currently, the deadline to file a joint pre-trial order is February 1, 2021. (See Minute Entry for Dkt. No. 94). Defendants mailed their portion of the joint pre-trial order to Plaintiff on December 31, 2020 as instructed by the Court. (See Dkt. No. 95). Since then, plaintiff has failed to provide his portion of the joint pre-trial order and has not communicated with defendants in any manner, including seeking an extension of time. In an effort to discuss the terms of joint pre-trial order and to avoid judicial intervention, defendants arranged a conference call with plaintiff for January 26, 2021, but plaintiff refused to participate in the call.

We thank the Court for its attention to this matter.

Respectfully submitted,
/s/ Amanda Yoon
Amanda Yoon
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The Court will address the issues raised by Defendants and set a new deadline for submission of the joint pre-trial order during the conference scheduled for February 3, 2021 at 2:00 p.m. The Clerk is instructed to terminate ECF No. 96.

SO ORDERED.


Philip M. Halpern, U.S.D.J.

Dated: New York, NY
January 29, 2021

Cc: Samuel Smolen, DIN 85-A-4082
Sullivan Correctional Facility